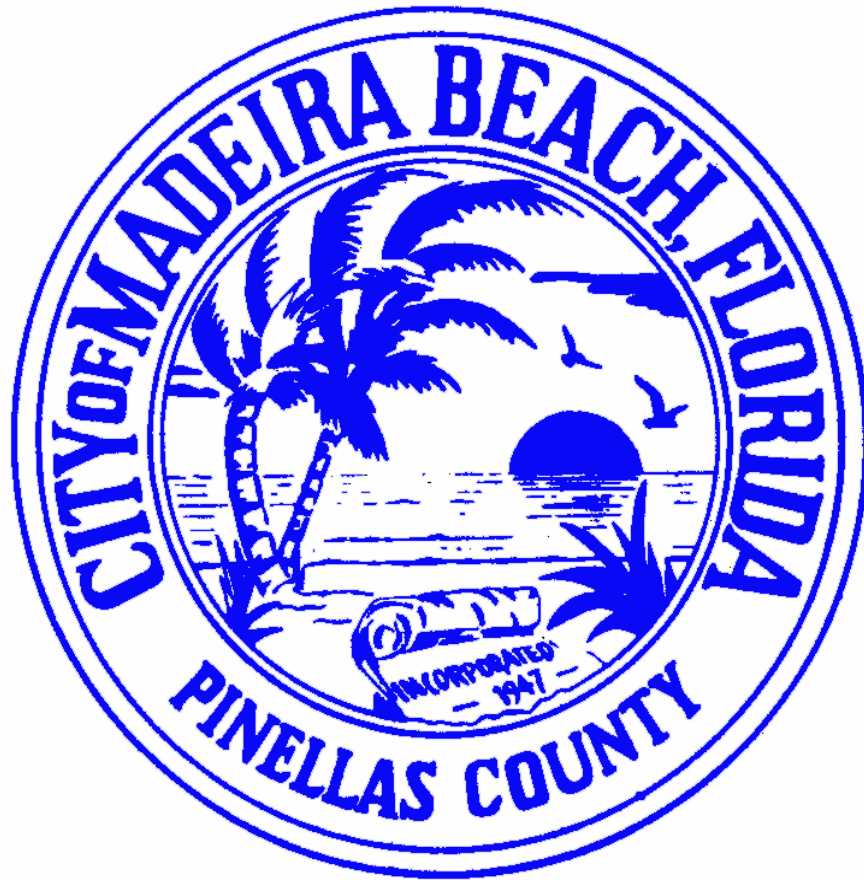


City of Madeira Beach



Personnel Policies and Procedures

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PERSONNEL POLICIES AND PROCEDURES

ARTICLE I. GENERAL PROVISIONS

Section 101. PURPOSE. (Res. 07.06 – 2/27/07; Ord 837-7/5/95)

These policies and procedures provide directives regarding human resource activities within the City of Madeira Beach. While this manual is meant to provide general information, it is not inclusive of all policies and procedures. These rules and regulations are applicable to all employees of the City. Employees who are covered under a collective bargaining agreement shall also be subject to the City of Madeira Beach's Personnel Policies and Procedures. If any conflict occurs between the City and the collective bargaining agreement, the collective bargaining agreement shall take precedent.

Section 102. ADMINISTRATION. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

The Finance Director shall be responsible for the administration and maintenance of the City Personnel Rules and Regulations, but may delegate responsibilities to the Human Resource Manager as he/she sees fit. Amendments, changes or revisions of these Rules and Regulations shall be recommended by the Finance Director to the City Manager, reviewed by the Civil Service Commission and approved by the Board of Commissioners.

All references to employees in this Ordinance designate both sexes and wherever either gender is used, it shall be construed to include both genders.

Section 103. JURISDICTION. (Res. 07.06 – 2/27/07; 04.14-9/28/04; Ord 837-7/5/95)

The Civil Service Commission will have jurisdiction over City employees in the following manner:

- Full time confidential and exempt employees below the Department Director level not represented through collective bargaining agreement, or,
- Part time employees not represented through collective bargaining agreement,

All employees have the opportunity to use the Civil Service Commission as a hearing board to insure due process; however, wherever this conflicts with specific terms of any Collective Bargaining Agreement in effect, the Collective Bargaining Agreement shall apply.

ARTICLE II. DEFINITIONS (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.23-10/19/99, 9.01-1/5/99, Ord 837-7/5/95)

Anniversary Date. The date of hire which signifies one or more years of employment. It is used to calculate increases in annual leave accruals.

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City Manager. Chief Administrative Officer of the organization authorized to appoint, assign, discipline or remove employees over, which the Civil Service Commission has jurisdiction, subject to the provisions of the Civil Service and Personnel Rules.

Civil Service Commission. An advisory board consisting of five Madeira Beach residents who are appointed by a majority vote of the Board of Commissioners and serve overlapping three-year terms. The CSC works with the City Administration on relevant personnel matters and represents an impartial hearing board for all classified employees.

Classified Employee. An employee not represented by a collective bargaining agreement and below the Department Director level.

Demotion. The change of an employee from one job title to another, when the move results in a lower pay scale. This will only occur by Department Director recommendation and City Manager approval. Demoted employees are subject to Intermediate Review and Evaluation.

Employee. Employees are defined as follow:

- A. Full-time - position which requires a working schedule of forty (40) hours or more per week. As such they are entitled to receive benefits as described herein.
- B. Part-time - position which normally requires a working schedule less than forty (40) hours per week. Part-time employees are not eligible to receive benefits. On occasion, employees considered part-time are required to work more than forty (40) hours per week due to unforeseen circumstances. This will not change the employees' classification as part-time and therefore will not grant them benefits as full-timers employees receive.
- C. Probationary – A newly hired employee performing assigned duties during an assessment period lasting six (6) months. Based on the recommendation of the Department Director and approval of the City Manager, this assessment period may be extended an additional three (3) months. Successful completion of the assessment period will be documented by an evaluation. During this time, a new employee may be discharged, demoted or suspended without right of appeal.

Current employees who transfer to another position will also be subject to a six (6) month assessment period. Successful completion of this period will be documented by an evaluation. During this probationary period, the employee may be transferred back to the last position held prior to the reclassification provided the position is available.

- D. Temporary - an employee who has been appointed to a position not to exceed four (4) months. All temporary employees, as defined herein, are

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not entitled to benefits. Work hours are to be determined by the Department Director.

NOTE: Temporary employees should not to be confused with “Temps” or “Contract” employees, which are hired through an agency for specific assignments. These agencies are responsible for payments of the individual’s salary and worker’s compensation benefits. These people are not considered City employees.

Family. For the purposes of the Family Medical Leave Act (FMLA), “family” shall consist of the employee’s natural or foster child(ren), spouse or parent(s), as defined by the Federal guidelines.

Provisional Appointment. An appointment for not more than six (6) months pending the selection of an individual for regular appointment as prescribed in these rules.

Merit Date. The one-year “anniversary” of the employee’s previous merit increase. All changes to specific employees’ positions (promotion, demotion, reclassification or transfer) will result in a new merit eligibility date, unless specified otherwise within a collective bargaining agreement.

Pay Status. Status of an employee who is working on a regular scheduled basis to include hours off for annual leave, sick leave, administrative leave, military leave, jury duty, bereavement leave, leave with pay, or Workers’ Compensation. Extended leave without pay is not considered a pay status.

Probationary Period, Initial. This assessment period is from employees’ initial date of employment to the point where the supervisor has had an opportunity to decide whether the employee should be retained or terminated. Probationary periods will normally be six months. Successful completion of the Probationary Period will be documented by an evaluation at the end of the probationary period. During the probationary period, a new employee may be discharged, demoted or suspended without right of appeal.

Probationary Period, Intermediate. The assessment period begins from employees’ initial date of reclassification, demotion, transfer or promotion to the point where the supervisor has had an opportunity to decide whether or not the employee is to be retained in the reclassification or promoted position. Successful completion of the Intermediate Probationary Period will be documented by an evaluation. During this probationary period, the employee may be transferred back to the last permanent classification position held prior to the reclassification or promotion action. Probationary periods will normally be six months.

Promotion. The change of an employee from one job description to another, when the move results in a higher pay scale. This will occur upon Department Director recommendation and City Manager approval. Promoted employees are subject to an assessment period followed by a performance evaluation.

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Reclassification. The assigning of an employee to a different job description, regardless of whether or not it is considered a promotion or demotion. Reclassified employees are subject to an assessment period and performance evaluation.

Seniority, City. City seniority is a member's most recent date of employment or re-employment. Seniority will continue to accrue during all types of leave except for leave of absence without pay for thirty (30) calendar days or more, which shall cause this date to be adjusted for an equivalent amount of time. Leaves of absence without pay for periods less than thirty (30) calendar days shall not cause the City seniority date to be adjusted. City seniority/anniversary date shall be used for computing vacations, pensions, service awards, and other benefits on length of service.

Transfer. The lateral change of an employee from one job description to another, when the move results in an equivalent pay scale. This will occur upon Department Director recommendation and City Manager approval. Transferred employees are subject to an assessment period and performance review.

ARTICLE III. EMPLOYMENT PROCEDURES

Section 301. POLICY. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

There shall be no discrimination against any person in recruitment, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, or because of race, color, creed, age, sex, ancestry, national origin, handicap or pregnancy which does not interfere with job performance with reasonable accommodation.

If any applicant feels he or she has been discriminated against in the opportunity for employment or promotion, a written appeal may be made to the Human Resource Manager. If the matter is not resolved to the satisfaction of the applicant a further appeal may be made to the City Manager. City employees may follow the appeals procedure as described in Article IX.

Section 302. VACANCIES. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

Vacancies may be filled via promotion, transfer, advertisement or any other means deemed appropriate by the City Manager. After consulting with the City Manager and Department Director where the vacancy exists, the Human Resource Manager will advertise the position in-house, publicly, or both. All classified vacancies will be posted in-house. In-house notices will be posted on the City Hall bulletin board, break-room bulletin board, and in a prominent place within each department.

For the purpose of employment, promotion, or transfer, "relative" shall consist of the employee's parent(s), child(ren), brother, sister, uncle, aunt, first cousin,

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nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent(s), stepbrother, step-sister, half brother or half sister.

Section 303. APPLICATION FOR EMPLOYMENT. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

Applications for Employment are accepted during normal business hours. Applications for announced vacancies must be submitted before the established deadline.

All submitted applications will be fully completed using the standard application form and signed by the applicant. The signature represents certification that the statements contained therein are true. Unsigned applications will not be considered. Resumes will be accepted as part of the application but shall not serve in lieu of the completed application form. Where specified in the vacancy announcement, resumes may be submitted as a letter of interest, but not substituted for the application form.

Applications will be considered active for a period of six (6) months from the date of the application. Inactive applications will be destroyed pursuant to State Law.

The Human Resource Manager may reject any applicant, who does not possess one or more of the requirements as specified in the public announcement. Applicants may also be rejected if the applicant is physically unfit for the performance of the duties of the position to which they seek employment, as determined by the post-offer physical.

Grounds for rejection would also include a prior conviction for a felony or any misdemeanor, which directly relates to the position sought. Should any falsehood become known after the employee is hired, regardless of the length of service, they will be terminated. Failure to pass the City's background screening, physical and drug screen shall result in the withdrawal of the offer of employment.

Fraudulent or false statements made by an applicant (orally or on the application itself), or by others at his or her request or with their knowledge represents cause for rejection from the employment process. Employees disqualified from this process will not be considered for future employment with the City of Madeira Beach.

Section 304. EXAMINATIONS. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

Examinations, oral and/or written, may be used to determine the fitness of applicants for particular positions. After consulting with the City Manager and appropriate Department Director, the Human Resource Manager will determine which positions require testing. Whenever testing is required, assistance may be sought from any source deemed appropriate in creating and administering the exam. All other aspects of the examination process will be determined by the Human Resource Manager and approved by the City Manager.

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Section 305. SELECTION. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

The Human Resource Manager will provide the appropriate Department Director with the applications for employment and/or written examination results of each applicant who has applied or is on file for the vacant position.

An initial interview may be conducted by the Human Resource Manager with recommendations to the Department Director. The final candidate(s) shall be interviewed by the Department Director, the supervisor (if appropriate), and the Human Resource Manager.

The Human Resource Manager shall perform a 'due diligence' background check on the top candidate(s). Final selection of an individual for employment or promotion shall be made by the City Manager, using the recommendation of the Department Director and the Human Resource Manager.

Whenever an offer for employment is made, it is contingent upon the successful completion of a thorough background investigation, a post-employment physical examination (by the City's designated physician), and pre-employment drug screening.

Section 306. VETERAN'S PREFERENCE. (Ord 837-7/5/95)

U.S. Armed Forces Veterans will be given special consideration during the selection process as required by state and federal law.

Section 307. EMPLOYMENT OF RELATIVES (NEPOTISM). (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

For the purpose of employment, promotion, or transfer, "relative" shall consist of the employee's parent(s), child(ren), brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent(s), stepbrother, step-sister, half brother or half sister. The City does not encourage the employment of relatives. This Section is not intended to serve as an absolute prohibition of the employment of relatives, or to impact on those City employees who are now related or who become related by this definition. However, in no instance will approval be granted for the employment, promotion or transfer of a relative as defined herein to a position where a City employee would be supervising or directly influencing the activity of a relative.

Where an employee is supervising or directly influencing the activity of another employee becomes related to that employee by marriage, one of the two employees may be transferred to the same job title, if such transfer is available, or may apply for another position if a vacancy exists. If a transfer or another position is not available, one of the two employees must resign.

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ARTICLE IV. THE PAY AND CLASSIFICATION PLAN

Section 401. **GENERAL PROVISIONS.** (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Purpose. The Pay and Classification Plan provides a systematic method for identifying positions within the City and providing a basis of compensation.

Use of the Plan. The Plan will be used to draft job qualifications, prepare examinations determine salaries to be paid for each position, identify lines of promotion, develop employee training programs, and to provide understandable and uniform terminology of jobs.

Content of the Plan. The plan consists of various elements which when grouped together provide an overall management tool.

- Classification. The classification plan consists of a grouping of related or similar work tasks within each department, an analysis of the actual tasks performed, and the conditions under which the work is accomplished.
- Job Title. The identification of a job title, which clearly describes the work performed under a specific grouping of tasks in the classification plan.
- Job Description. A detailed written analysis of the nature of work and responsibilities of the position, together with an outline of the knowledge, skill, abilities, experience, training, physical demands, work environment and selection criteria.
- Pay Plan. A table of basic pay rates for each position categorized by job classification.

Administration of the Plan. The addition of new job titles, classifications, deletion of existing positions or classifications, or the change of either positions or classifications shall be executed by the Human Resource Manager at the City Manager's direction. Upon completion, the City Manager or the Human Resource Manager may present changes to the Civil Service Commission for review prior to the Board of Commissioners for final approval and adoption.

All related issues affecting specific employees as the result of any personnel change will be determined by the City Manager.

Section 402. **NEW APPOINTMENTS.** (Ord 837-7/5/95)

All new appointments in the Civil Service will be made at the lowest pay rate established for the job title to which the appointment is made. The City Manager may establish a higher starting salary provided the appointee has special qualifications.

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Section 403. MERIT INCREASES. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

The City Manager may approve merit pay increases within the established pay range. Increases will not be automatic and are dependent upon a written recommendation from each Department Director, based on standards of performance as indicated by the employee's performance evaluation. Under normal conditions, merit pay increase will not be considered more than once per fiscal year (12 months). No merit pay increase shall be granted above the maximum pay rate for the position. Any deviations from the normal merit pay increase dates will be only authorized by the City Manager.

No merit increase shall be granted to any employee who has received a formal disciplinary action (suspension, involuntary demotion, or probation) in the previous twelve months.

Lump sum merit pay shall be granted to employees who have reached the maximum of their pay grade. Lump sum shall not exceed 3%.

The amount of each merit increase will be decided upon as a result of budgetary constraints, and coordination between the Department Directors, the Finance Director, Human Resource Manager, and the City Manager. The City Manager will make all final determinations.

Effect of Personnel Changes on Pay Rate, Probationary Period, and Merit Eligibility. All (promotion, demotion, reclassification, transfers) personnel changes may result in:

- A pay change, where applicable, to be determined by the City Manager;
- A new merit eligibility date;
- The initiation of an intermediate probationary period;

The effective date of any pay change will be the first day of the closest complete pay period.

Section 404. WORK PERIOD AND CALCULATION OF OVERTIME. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Policy. The City's general policy is to avoid generating overtime. Department Directors may authorize or direct an employee to work overtime when necessary in order to meet operating needs. All overtime hours must be authorized (in advance when not an emergency) by a Department Director before payment will be approved.

Work Period. Unless otherwise specified by collective bargaining agreement, the City policy for a work period will be 7 days (40 hours) in length. Overtime will be paid in accordance with City policy, and at the rate of one and one-half times the employee's regular hourly wage during the work period. Overtime is payable in increments of quarter-hours. Sick leave, jury duty, bereavement leave, and any

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leave of absence without pay will not be considered as time worked for the calculation of overtime. Paid annual and holiday leave will be considered as time worked for the calculation of overtime.

Call Back. Any employee that is called back to work will receive a minimum of two hours pay, or as outlined in their respective collective bargaining agreements.

Section 405. COMPENSATORY TIME (Res. 07.06 – 2/27/07; 99.15-6/15/99, 99.01-1/5/99)

In an effort to allow Department Directors the flexibility to meet their operational needs, the City does allow the use of Compensatory Time as a means by which they can better meet budgetary constraints without suffering a corresponding inability to maintain pace with the workload they have. In such cases, where the use of overtime is not feasible, the Department Directors may ask an employee to perform additional duties beyond the scope of their normal workweek, and that said time will be earned as compensatory time as opposed to overtime. Compensatory time is granted at one and one-half times the number of each hour of overtime worked.

The City acknowledges that the work leading to the use of either overtime or compensatory time will be minimal, and, under normal circumstances, will be paid as overtime in the work period, which it has been performed. However, as a pre-condition of employment, each employee must agree to allow the City, at its discretion, to determine which method of compensation will be used for each particular situation.

Unused compensatory time as of separation of employment, or as of September 30 of each year for individuals still employed by the City of Madeira Beach shall be paid out to the employee during the first full pay period in October of the respective year.

On-Call Status. The City of Madeira Beach, Florida recognizes the needs of its citizens with regards to public work emergencies (i.e., sanitary and storm water) and authorizes the implementation of On-Call Status for affected City personnel.

The affected job descriptions will include rotating on-call status as a form of “tasking” and a condition of employment. During the “On Call” period, an employee will carry a pager, cellular phone or other device, to be notified of, and respond to, emergency situations.

If an emergency situation arises and the employee is called back to work, the employee will receive two (2) hours minimum pay at time and one-half in accordance with the established Personnel Policy for Call Back Pay under Section 404.

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Section 406. PAY PERIOD AND PAYROLL TIME REPORTS.

(Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

All employees are responsible for accurately recording hours worked on a timesheet for each pay period. Timesheets will be approved by the respective Department Directors and submitted to the Finance Department in accordance with administrative procedures as established by the Finance Director. The City reserves the right to make changes in the method of recording time worked.

Section 407. PAY CHECKS. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

If a payday falls on a holiday, paychecks will be distributed on the last working day before the holiday.

Paychecks may be granted for advance use of annual leave subject to the approval of the City Manager. In no case shall an employee be paid for hours not yet worked, or for annual leave hours, which the employee has not accrued.

ARTICLE V. EMPLOYEE PERFORMANCE EVALUATIONS

Section 501. GENERAL PROVISIONS. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

The Human Resource Manager will establish and administer a program for rating the work performance of all City employees. The City Manager will establish and administer the program for rating the work performance of all Department Directors.

The evaluation is used to measure the employee's performance by reviewing the employee's achievement of assigned duties and responsibilities. It can also be used in estimating an employee's potential for advancement or for documenting job performance in support of disciplinary actions. It may also be used as a factor in granting merit pay increases, or as evidence in a hearing before the Civil Service Commission concerning disciplinary actions. Merit increases are awarded on the basis of meeting or surpassing performance standards established. A satisfactory performance evaluation does not, in and by itself, guarantee a merit increase. Merit pay increases will not be retroactive unless authorized by the City Manager.

A Supervisor may initiate an evaluation at any time during the year. Employees who are not granted a merit increase at their regularly scheduled evaluation date would not be eligible for a merit increase until their next scheduled evaluation date.

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Section 502. **FREQUENCY**. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

All City employees shall receive an evaluation at least once every twelve months. Evaluations shall be conducted in accordance with the schedule by maintained by the Human Resource Manager.

ARTICLE VI. **BENEFITS**

Section 601. **HOLIDAYS**. (Res. 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

The following days will be recognized as holidays for employees of the City of Madeira Beach:

New Year's Day	Veteran's Day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day (July 4)	Christmas Day *
Labor Day	Floating Holidays (2)

*If Christmas Day holiday falls on a Tuesday, the employee will receive a full day off on Monday. If Christmas Day holiday falls on a Thursday, the employee will receive a full day off on Friday.

The Floating Holidays can be requested by the employee with advance approval of the Department Director. The Floating Holidays must be used during the calendar year in which they were earned or they will be forfeited. Floating holidays may not be used during Initial Probation Period.

Holidays falling on a Saturday will be observed on the preceding Friday and holidays falling on a Sunday will be observed on the following Monday.

Eligibility for Holiday Compensation. Only full-time and permanent part-time employees as defined herein, are eligible to receive holiday compensation. (*per Res. 08.14, adopted 10/28/08*)

Permanent part-time employees required to work on the holiday shall receive holiday pay for the number of hours they would otherwise have worked; in addition to their actual hours worked. (*per Res. 08.14, adopted 10/28/08*)

Permanent part-time employees will remain not eligible for floating holidays. (*per Res. 08.14, adopted 10/28/08*)

Temporary and seasonal employees are not eligible for any holiday compensation. (*per Res. 08.14, adopted 10/28/08*)

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Certain employees may be required to work some holidays. Unless otherwise documented by a collective bargaining agreement, those employees shall be given the option of taking another day off with pay within 30 days after the holiday, or receiving straight pay for the holiday. This option must be discussed and agreed upon with the employee's supervisor prior to the actual holiday.

Employees who do not work holidays as a regular part of the scheduled work period are eligible for holiday pay provided they work the working day before and working day after the holiday.

In order to meet the eligibility criteria for either of the above situations, the employee must work all scheduled hours of the workday to be considered in attendance, unless approved by the Department Director.

Eligible employees on Leave of Absence without pay or sick leave, if sick leave is claimed either the day before or the day after a holiday will not receive the holiday pay. Employees on sick leave may use eight (8) hours of sick leave for a holiday, when substantiated by a physician's note.

Employees whose normal work schedule requires them to work on the holiday must either work or take Annual Leave in order to be eligible to receive the holiday pay.

Section 602. ANNUAL LEAVE. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Purpose. The purpose of annual leave is to provide full-time employees with an opportunity to be absent from work for approved reasons without loss of pay or benefits and to enjoy periodic rest and relaxation. Only full-time employees of the City of Madeira Beach are eligible to receive annual leave benefits (part-time and temporary employees are not eligible).

In order to be eligible to use annual leave, an employee must have successfully completed the probationary or rehire probationary period. A new hire or rehire will accrue leave at the listed rates, but cannot use it until probation is complete. The City Manager may approve an exception to this policy for specific reasons.

An employee who leaves the employment of the City before completing the probationary period will forfeit all annual leave.

Annual leave will not be accrued while an employee is on a leave of absence without pay, or in any other non-pay status.

Accumulated annual leave will be tracked by the Accounting Specialist. Maximum accrual for an employee is twice the annual accrual amount. On or about November 1st of each calendar year, notices will be sent to each employee who will have excess annual leave as of December 31st. Excess over the allowable amounts will be forfeited as of January 1st of the following year.

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Accruals will be made by the Accounting Specialist on the last day of each calendar month, crediting each eligible employee with leave earned for the month past (December accrual to be booked on December 31st).

Upon separation from City employment, employees, except for those on initial probation, will be paid for all accumulated annual leave pro-rated to the date of separation, at the employee's current hourly wage.

Request for annual leave use will be made in advance wherever possible. Department Directors will approve requests consistent with operational requirements. Restrictions regarding scheduling remain a management right and may be necessary during certain periods of the year. Annual leave may be taken in fifteen (15) minute increments.

Advance annual leave payments will only be made when approved by the City Manager and will be distributed on a regular payday. Advance annual leave payments will be considered along with early paycheck request provisions, as defined in Section 406.

Years of Service	Annual Leave Accrual
0 through 4 years, 11 months	10 days (6.67 hours per month)
5 years through 9 years, 11 months	15 days (10 hours per month)
10 years through 19 years, 11 months	20 days (13.33 hours per month)
20 years or more	20 days plus one day per year of service over 20 years with maximum of 25 days annual leave per year.

Annual leave for department directors shall be 15 days (10 hrs/month) for 0-10 years of service and shall thereafter follow the accrual rate of general employees.

Employees who become hospitalized while on annual leave may use sick time for such period of illness, provided they submit a doctor's certificate documenting same.

In the event of an employee's death, all accumulated annual leave time will be paid to the employee's estate or as otherwise defined by law.

Section 603. SICK LEAVE. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Sick leave is an unearned benefit and granted to all full-time employees at the rate of 96 hours per year (8 hrs/month). Part-time and temporary employees are not eligible to receive this benefit. The use of sick leave for other than its intended use should not be considered as a right of the employee. Sick leave will be granted for the employee's personal illness, disability or other medical needs. Sick leave may be used for illness of a family member, which requires

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the employee to take time from work. Employees are encouraged to save their sick leave to meet serious illness situations.

Sick leave will NOT count as time worked for the calculation of overtime.

Sick leave may be accrued with no maximum. Payout upon separation will be made on 25% of the accrued hours, subject to Article XI, Section 1101: Resignations. Sick leave shall not be paid during the last two weeks of employment unless a physician's certificate is submitted to the Human Resource Manager.

When sick, annual leave, and accrued holiday or compensatory time has been exhausted, any additional leave will be without pay.

Notification Procedures. An employee who is unable to work must notify their immediate supervisor, or the Department Director, before his/her scheduled reporting time giving the expected length of the absence. This procedure shall be followed for each day an employee is unable to work unless specific prior approval waiving this requirement is granted by the Department Director.

The Department Director may require a Physicians statement for the employee's absence prior to payment authorization regardless of the length of time away from the job.

Excessive Use of Sick Leave. An employee who utilizes excessive leave for reported illnesses or injuries, or is otherwise frequently absent from duty for medical reasons will be required to provide a physician's statement prior to being authorized sick leave. An employee failing to comply with this requirement shall not be granted sick leave. Excessive is defined as three (3) unexcused absences in a three-month period. However, one continuous week-long bout with the flu would be considered one (1) absence.

The City reserves the right in all cases of reported illness to require an employee to furnish a physician's report. Chronic use or abuse of sick leave or tardiness shall constitute grounds for discipline and/or review of an employee's fitness for duty (Section 610).

Unauthorized absences from work for a period of three consecutive workdays may be considered as the employee's voluntary resignation by the City Manager. Following this period, the City will notify the employee, by certified mail, that the employee's actions are considered voluntary resignation.

If the employee is unable to inform the City of their absence due to a valid substantiated reason such as temporary disability, then the absence will not be considered unauthorized.

Section 604. INSURANCE. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

The City provides health, dental, and group term life insurance for all full-time employees at no cost to the employee. Long term disability is provided to all full-

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time non-firefighting employees. The selection of providers for said coverage will remain at the discretion of the City. Dependent coverage may be available; however, dependent premiums are the responsibility of the employee.

Section 605. RETIREMENT. (Res. 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

The City is currently a member of the Florida Retirement System for all employees hired prior to 1/1/96. All retirement benefits will be governed by the Florida Statutes. There is no cost to the employee for membership. All full-time employees hired after 1/1/96 will not participate in the Florida Retirement System (FRS). The City will provide a 401(a) Retirement Plan for those employees hired or rehired after 1/1/96. Details on the plan will be determined by the City, and are available from the Human Resource Manager.

Section 606. TUITION REIMBURSEMENT. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Purpose. To encourage employees to obtain education and training to enhance job performance, and to prepare for broader job responsibilities. Tuition reimbursement may be granted for courses offered by educational institutions with prior approval by the City Manager.

Courses taken toward a college degree related to the employee's present job or a reasonable promotional objective are acceptable. 'Reasonable promotional objective' will be determined by the employee's Department Head and the City Manager.

Tuition reimbursement is available to any full-time employee under the following guidelines:

- Employee must have successfully completed their employment initial probationary period and be in good standing with the City.
- No tuition reimbursement shall be authorized to any employee who has had a formal disciplinary action (suspension, involuntary demotion, or probation) within the previous six months. Any employee receiving such action after pre-approval was granted shall not be reimbursed.
- The maximum tuition rate authorized cannot, under any circumstances, exceed that of the University of South Florida (USF), for the appropriate level of course-work (graduate/undergraduate).
- In cases where rates vary from USF campus to campus, the USF Tampa rate will be used.
- Whenever possible, the employee is to take courses at a Community College rather than at a higher institution.

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- In order to be eligible for reimbursement, the employee must submit an Educational Reimbursement Pre-Approval Form prior to the enrollment in the class or course of study.
- If the employee is pursuing a degree, the employee is to provide proposed curriculum and estimated time for completion of degree to the City Manager for review.
- At no time may an employee take more than two courses per semester.
- Course attendance will be on the employee's own time and will not interfere with job duties.
- Lab fees, books, student activity fees, and application fees are not eligible for reimbursement.
- After the completion of any class(es), the request for reimbursement must be made by submitting an original receipt showing specific amount of eligible payment, along with a school document indicating grade received to the Human Resource Manager for processing.
- The resignation or discharge of an employee automatically terminates their eligibility for benefits under this program. Voluntary separation from City employment prior to one year after completion of reimbursed courses shall cause the employee to repay, or have deducted from his/her salary, all costs incurred by the City under this reimbursement program.

Reimbursement. The following graduated reimbursement shall apply:

100% for grade of "A"

75% for grade of "B"

50% for grade of "C"

Courses offered on a pass/fail basis must be passed in order to be eligible for 100% reimbursement.

Advanced payment may be authorized by the City Manager on a case-by-case basis with the written understanding, signed by the employee that the employee will be responsible for reimbursement to the City all costs in excess of the grade received as defined in the graduated reimbursement schedule above.

Section 607. LEAVE OF ABSENCE WITH PAY (Res. 07.06 – 2/27/07; 00.10-10/17/00, Ord 837-7/5/95)

The following leaves of absence with pay shall be allowed upon presentation to the City Manager of appropriate certification showing such leave is required. Such absences will not be charged against an employee's accrued annual leave.

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Jury/Court Duty. A leave of absence with pay is granted to an employee when he is called for jury duty or subpoenaed as a witness on behalf of the City or any public agency. The City will pay the employee's regular salary. The employee will furnish proof of such service and will work any part of their regular schedule when not required to serve. Employees who appear as a voluntary witness or litigant against the City, its officers or departments, are not eligible for leave with pay.

Employees, who become involved in litigation not relating to their employment, may use accumulated annual leave.

If a holiday occurs during a court/jury assignment, the employee will be eligible to receive the holiday pay, subject to Section 601.

Proof of duty will be required before compensation is approved. Proof will be considered a Court Summons or Pay Voucher from the Court. The City reserves the right to require a signed statement from the Court Clerk noting each day spent on duty.

Reserve Training. An employee who, by reason of membership in one of the United States military reserve components, is ordered by an appropriate authority to attend a training period or encampment shall be granted leave of absence with supplemental pay corresponding to the time spent in active military reserve training. The City will supplement the employee's reserve training pay in order to bring the employee's salary to the level earned at the time he/she was called to military reserve training status. Such leave shall not exceed seventeen calendar days in any twelve-month period.

Active Military Service. In the event an employee who is a reservist is called to active military service, the employee may be granted a leave of absence to perform active military service.

The employee will be granted up to ninety (90) days supplemental pay corresponding with the time spent in active military service thereby supplementing the employee's military pay to the level earned at the time he/she was called to active military duty. The employee will have health insurance and other existing benefits, where allowable, carried forward for this period. Should the active military status continue past ninety days, certain medical benefits may be continued through COBRA (Consolidated Omnibus Budget Reconciliation Act), depending on existing coverage. Upon return from active military service, the employee will be reinstated with the pay and benefits, which were allowed prior to being called to active duty.

Bereavement Leave. . Full-time employees shall be granted time off with pay to observe the passing of an immediate family member. Three days shall be granted for in-state deaths or out-of-state deaths where the employee does not attend the funeral. Five days shall be granted for the employee to attend an out-of-state funeral. Immediate family shall consist of the employee's spouse, parent(s), child(ren), brother, sister, stepparent(s), stepchild(ren), father-in-law,

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mother-in-law, sister-in-law, brother-in-law, grandparents, grandchildren. Also included are persons co-habiting in the same household. One day will be permitted for the death of an aunt, uncle, niece, nephew or cousin. Bereavement Leave shall not be charged to annual or sick leave. Computation of leave shall be based on consecutive workdays, unless approved by the respective Department Director. If requested, the employee shall provide the Department Director with evidence that the death occurred.

Bereavement leave required in excess of the above referenced leave will be charged to annual leave, or leave without pay at the employee's option.

Administrative Leave. Leaves with pay may be authorized by the City Manager for any reason, which is deemed to be in the best interest of the City and the employee. These may include leaves of absence pending investigations, ~~or~~ attendance at official and educational functions, threatening weather, fitness for duty physical, voting, etc. Each Administrative Leave shall be evaluated independently.

Section 608. LEAVE OF ABSENCE WITHOUT PAY. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Involuntary. An employee may be placed on leave of absence without pay by the City Manager, pending investigation into the employee's conduct and potential disciplinary action or where the City Manager deems it to be in the best interest of the City.

Family and Medical Leave Act (FMLA).

Eligibility. An eligible employee is one who has been employed for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

Qualifying Events. Eligible employees have the right to take paid or unpaid leave for a period of up to 12 workweeks in any twelve-month period for the following reasons.

1. The birth of a child.
2. The placement of a child for adoption or foster care.
3. Care of a family member (child, spouse or parent) with a serious health condition.
4. Serious health condition, which renders the employee unable to do his/her job.

The Leave Year. The leave year is determined by calculating a 12-month period measured forward from the date an employee's first FMLA begins. An employee taking FMLA leave must first use any vacation or paid absence days as part of the leave.

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Application for Leave. An employee who requests FMLA must complete an Application for Family and Medical Leave Form. If an employee is requesting medical leave, his or her physician must complete the Certification of Physician or Practitioner Form prior to beginning leave. Both forms are available from the Human Resource Manager.

Returning to Work After Medical Leave. If an employee takes FMLA due to a serious medical condition, he or she must be certified as able to return to work by a physician.

Pay increases and further accumulation of benefits will be deferred during periods of unpaid FMLA.

Employees on FMLA are required to report on their status and intent to return to work by telephone to the Human Resource Manager bi-weekly.

Benefits/Contributions. An employee on FMLA is entitled to have health benefits maintained while on leave. The employee is responsible for making any required contributions on a monthly basis during the FMLA time.

NOTE: If an employee is more than 30 days late in paying required contributions, coverage will terminate. The City reserves the right to seek recovery of any premiums paid for health insurance if the employee fails to return to work at the conclusion of the leave.

Other Leaves. Other leaves without pay may be authorized by the City Manager for any reason that which is deemed to be in the best interest of the City and the employee.

While on any leave without pay employees will not accrue annual, sick leave or holiday benefits. Insurance coverage and other employee benefits will be determined by the City Manager on a case-by-case basis. If insurance benefits are extended to an employee on an unpaid leave, all premiums paid by the employee must be made in advance for the period of the leave.

An employee granted a leave of absence without pay in excess of twelve (12) weeks shall be permitted to return to work providing a vacancy exists in their prior position. If such vacancy does not exist, the employee shall be terminated and may reapply for a vacant position for which qualified.

Employees reinstated to their prior position from a leave without pay will be entitled to receive their prior rate of pay in addition to any cost of living increases applicable to all other employees.

A leave of absence without pay for thirty consecutive days or longer will result in a corresponding adjustment of the employee's anniversary date of employment and time in position.

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Section 609. EMPLOYEE ASSISTANCE PROGRAM. (Res. 07.06 – 2/27/07; 99.01-1/5/99)

The City of Madeira Beach recognizes that personal situations which may affect an employee's well-being and job performance, and is committed to providing programs and services to assist those employees. Therefore, the City is sponsoring a confidential Employee Assistance Program (EAP) which offers employees and their families' short-term professional counseling and assistance for any type of personal problems including relationship issues, emotional distress, and chemical dependency.

Self Referrals: An eligible employee may contact the EAP at any time for professional assistance by calling the telephone number noted in the EAP brochure to schedule a confidential consultation.

Management Referrals: If an EAP referral is indicated, based on performance issues, or the employee seeking advice regarding a personal problem, the Human Resource Manager shall contact an EAP counselor to review the issues and assist in scheduling a meeting with the employee. The employee will be instructed to arrange an appointment with the EAP counselor, and although the final decision to use the program is left up to the employee, the employee is still responsible for job performance related issues, and may be subject to disciplinary actions for these issues. Failure to report for mandatory referral may result in administrative leave pending disciplinary proceedings, up to and possibly including discharge

In safety sensitive occupations, the EAP referral may be mandatory as "fitness for duty".

The employee will be responsible for providing proof of attendance, and if required, certification of Fitness for Duty.

Any time off from work to attend a counseling session is subject to established policy for absenteeism.

Section 610. FITNESS FOR DUTY

The physical fitness of employees is vital to the level of service provided to the public. In the event an employee's mental or physical fitness for duty is questioned the following procedures will be implemented.

A. The employee has been seen by their medical provider:

1. The employee is responsible for providing a medical release to their specific position when reporting back to work. If the employee does not have a medical release, the supervisor may request the employee to leave their shift until such time as the employee returns with the appropriate release. Time spent obtaining the form is charged to the employees sick leave bank.

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2. Medical release must be returned to the City within three (3) calendar days of the request.
3. In the event an employee is not able to perform the essential functions of their position, the time from work will be charged to their accumulated sick leave. If there is not sufficient sick leave available, the employee may use accumulated leave, holiday and compensatory time, if any.
4. The City reserves the right to request a second opinion when there is reason to question the employee's fitness for duty. The City shall determine the extent of the examination based upon the employee's job description, the physician, and bear the cost for the second opinion.

B. The employee has not been seen by any medical provider:

1. The supervisor may send the employee to the City's physician, or local emergency room, if appropriate.
2. The time spent in receiving initial medical evaluation is charged to Administrative Leave.
3. If the medical provider states the employee is not able to perform the essential functions of their position, the time from work following the appointment, will be charged to their accumulated sick leave. If there is not sufficient sick leave available, the employee may use accumulated annual leave, holiday and compensatory time, if any.

ARTICLE VII. EMPLOYEE TRAINING (Res. 07.06 – 2/27/07; 00.10-10/17/00, Ord 837-7/5/95)

The City Manager, through the Department Directors, may establish and develop an educational program for employees of the City, when deemed appropriate. The purpose of such a program is to increase the operational efficiency of employees in their present positions and to assist employees in preparing themselves for positions of increasing difficulty and responsibility. Employee participation in such training programs may be declared mandatory by the City Manager.

Department Directors shall be responsible for determining which additional training programs will benefit the department and the employee(s).

Approval must be received prior to registering for training. The City reimburses the employee for mileage, meals and lodging, if applicable. No overnight stay will be approved for training within a 50 mile radius of the City. Any exceptions to this rule must be approved by the City Manager.

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ARTICLE VIII. ACCIDENT PREVENTION, WORK SAFETY AND WORKER'S COMPENSATION

Section 801. GENERAL PROVISIONS. (Res. 99.01-1/5/99, Ord 837-7/5/95)

The City of Madeira Beach, in the interest of both employee and public safety and its commitment to provide a safe working environment, will establish and maintain a Workplace Safety Program pursuant to the requirements of the Florida Occupation Safety and Health Act, Chapter 93-415,52-74, Laws of Florida, and Rule 381-17 of the Florida Administrative Code.

Section 802. INJURY TREATMENT AND REPORTING. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99)

Medical treatment for all workers compensation injuries will be provided pursuant to Florida Statute 440.134 and in accordance with the Workers Compensation Procedures.

A routine post-accident drug test will be performed on all employees who have contributed to an accident requiring medical treatment as well as employees who receive medical treatment.

Section 803. VEHICLE ACCIDENT REPORTING PROCEDURE. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

In all cases when a City-owned vehicle is involved in any kind of motor vehicle accident/incident, employees will immediately notify in addition to their supervisor, the designated Law Enforcement Agency, if within the City of Madeira Beach, or the appropriate law enforcement agency if outside the City. In the event the employee's supervisor is not available, another supervisor from within that department will be dispatched to the accident scene.

Employees (operator) who are found to be at fault may be responsible for repair costs up to the current insurance deductible and will be subject to disciplinary action, up to and possibly including discharge.

The designated supervisor will insure that a Vehicle/Property damage form is completed on all accidents within the City, and copies of this report are forwarded to the Finance Director office within three working days of the accident.

A routine post-accident drug test will be performed on all employees who have contributed to a motor vehicle accident where any liability to the City has occurred.

Section 804. INCIDENT/LIABILITY REPORTING PROCEDURE. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

Any incident which happened or is alleged to have happened, where the City could conceivably share liability, but does not require an Accident/Incident form or a Notice of Injury to be completed, will be reported to the employee's

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immediate supervisor and the Finance Director within twenty-four hours of occurrence.

Section 805. COMPENSATION. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Payment of Workers' Compensation to an employee, who is incapacitated, because of an injury arising out of and in the course of performing his/her duties, will be governed by the State of Florida Workers' Compensation Law.

Workers compensation injuries will, in many cases, constitute a "serious health condition" as the term is defined in the Family Medical Leave Act (FMLA). When an employee begins workers' comp leave, there will be a determination of whether that particular injury constitutes a serious health condition and whether the workers' comp leave will be designated as FMLA leave. While on workers' comp/FMLA leave, the employee's group insurances will be continued to the same extent as when they were working, and the right to be reinstated to their former position will be fully protected for up to twelve weeks, depending on whether they have previously used any of their annual twelve-week allotment of FMLA leave.

Section 806. TRANSITIONAL DUTY ASSIGNMENTS. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

The City may offer Transitional (not permanent) Duty Assignments (TDA) for eligible employees who have been restricted by their physician due to an on-the-job injury or job-related illness. If the employee is still unable to perform all the duties of his/her regular position at the end of the TDA, he/she may be placed on workers' compensation leave. A physician may be asked to re-evaluate the physical status of an employee on workers' compensation leave, or in a TDA every 30 days.

Employees in a TDA may be assigned to any department and on any shift. Employee in a TDA is bound by the same work conditions and requirements as any other employee, except as noted below. Only employees capable of performing all of the essential job functions of the position need be considered for that option. An employee who reaches maximum medical improvement (MMI) will no longer be considered for TDA.

If the employee is eligible for FMLA leave, and is offered a TDA with duties he/she is able to perform, he/she will have to choose between working or taking leave as explained below:

Option 1 (Taking Leave): Employees may choose to exercise their right to take FMLA leave instead of returning to work in the TDA. However, such employees will lose their temporary (wage loss) workers' compensation benefits because they declined available work. If they recover while on FMLA leave, they must be reinstated to their previous or like position in accordance with FMLA requirements. If they continue on workers' comp leave after their FMLA leave has expired, the City may terminate their group medical insurance and issue a COBRA notice. They may also be eligible for

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reinstatement if they are subsequently able to return to their former position, if there is a suitable vacancy. However, reinstatement need not be guaranteed after FMLA leave has been exhausted.

Option 2 (Working): Employees may accept the TDA. While working in the TDA they have the right to be reinstated to their regular position for up to 12 weeks. If they cannot return to their regular job, and they still qualify for FMLA leave, they have the right to take any balance of their 12-week entitlement not yet used. The employer may eliminate the TDA at anytime, but the time spent working in the TDA does not count as part of the FMLA leave as provided by FMLA Regulation 825.2209(d).

Failure to accept a TDA within their physical restrictions by employees who are not eligible for FMLA will be considered grounds for termination

ARTICLE IX. GRIEVANCES, AND APPEALS. (Res. 07.06 – 2/27/07; 00.10-10/17/00,99.01-1/5/99, Ord 837-7/5/95)

In order to provide and maintain the best possible conditions of work for employees, and in order to preserve and improve cooperation between and among staff members, the City of Madeira Beach encourages the prompt, fair settlement of grievances through an orderly grievance appeal procedure, without interference or reprisal.

A grievance is defined as an employees' expression of dissatisfaction concerning a job related action such as disciplinary action, including termination, or inconsistent policy application. The employee may not appeal verbal warnings or performance evaluations.

Temporary or probationary employees are not permitted to appeal disciplinary actions.

The grievance appeal procedure consists of three successive steps, which must be followed, in order and within the time frame provided for in this policy.

Grievances must be filed within ten (10) calendar days after the action or incident and contain the reasons why the employee considers the action inappropriate or inequitable. Appeals to the successive steps must be filed within five (5) calendar days following receipt of the decision made in the preceding step, or the grievance will be presume settled and not subject to further consideration.

All notifications and filings must be in writing and signed by the author(s).

STEP ONE – Immediate Supervisor

The grievance must be submitted by the employee to the employee's immediate Supervisor. The Supervisor must address and respond to the grievance within five (5) calendar days. If the employee is not satisfied

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with the decision at Step One, or if the grievance directly involves the Supervisor, the employee has the right to present the grievance at Step Two.

STEP TWO – Department Head

The grievance must be submitted by the employee to the Department Head with a copy to the Human Resource Manager. A meeting will be held with the Department Head, the aggrieved employee and the Human Resource Manager. This meeting will be held within five (5) calendar days of the filing of the grievance.

Within five (5) calendar days of this meeting, Department Head must notify the employee of the decision. If the employee is not satisfied with the decision at Step Two, the employee has the right to present the grievance at Step Three.

STEP THREE – Appeal to the Civil Service Commission

A request for further consideration must be presented to the Civil Service Commission via the Human Resource Manager within five (5) calendar days of receipt of the Step Two decision.

The Civil Service Commission will conduct a comprehensive review of all available information concerning the grievance and will meet with the aggrieved employee. Following the investigation, the Commission's findings will be forwarded to the City Manager as a recommendation. The City Manager may request meeting with all parties. The aggrieved employee will be notified within five (5) calendar days of the City Manager's decision, which is binding.

ARTICLE X. DISCIPLINARY ACTION

Section 1001. GENERAL PROVISIONS. (Res. 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

It is the policy of the City of Madeira Beach that discipline should be corrective rather than punitive. Rules and regulations are necessary to insure efficiency and effectiveness and to promote proper employee conduct. When circumstances permit, supervisors are encouraged to utilize "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of discipline shall be documented and placed in the employee's personnel file.

The following guidelines are divided into four levels, which reflect the seriousness of the offenses. These levels are written counseling, written reprimand, suspension and discharge. In each level and for each infraction, consideration will be given to the severity of the offense, the actual or potential cost or damage involved, time interval between infractions, the length and quality of service

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records and any other pertinent information. In considering disciplinary action on a current infraction or offense, the City will take into consideration any prior infractions and consider length and quality of service.

Probationary and temporary employees who are disciplined, suspended, demoted or discharged by the City shall not be subject to any grievance or appeals procedure.

The City retains the right to treat each occurrence of misconduct on an individual basis without creating a precedent for other future cases. The rules and regulations provide recommended progressive discipline to apply for specific offenses; however, the recommended penalties may be modified by management and may include a lesser or more severe penalty when extenuating circumstances exist. The following rules and standards of conduct are not to be construed as a limitation upon the retained rights of the City, but are to be used only as a guide.

Supervisors may use their discretion in determining or recommending appropriate disciplinary action. When an employee's conduct can be considered to fall into two categories provided in these guidelines, the Supervisor may select the category they believe to be the most appropriate. If an employee's conduct does not fall within any of the categories described, the supervisor may determine or recommend disciplinary action in accordance with the group offense they believed to be is most appropriate. The following guidelines do not override any specific rule contained herein or any policy issued by the City.

Immediate supervisors have the authority to issue verbal warnings to all employees under their control and may recommend action of a higher degree as appropriate. Department Directors have the authority to issue disciplinary action up to and including a written reprimand based on the circumstances of the violation. Department Directors may recommend to the City Manager that the employee be suspended without pay or discharged.

No employee shall be terminated without a Pre-Termination Hearing. Pre-Termination Hearings shall mean those hearings, when it has been alleged that an employee has violated a Departmental or City rule that could lead to termination. The employee shall be given 72 hours notice, in advance, of a Pre-Termination Hearing and shall be afforded due process during the hearing.

The City Manager or designee has the sole authority to suspend an employee with/without pay or to discharge an employee for cause.

Section 1002. GROUP I OFFENSES. Including, but not limited to: (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

- | | | |
|----------------|---|------------------------------------|
| First Offense | - | Written Counseling |
| Second Offense | - | Written Reprimand |
| Third Offense | - | Suspension w/o pay and/or demotion |
| Fourth Offense | - | Discharge |

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1. Neglect, carelessness or failure to observe departmental safety rules or disregard of common safety practices.
2. Neglect or carelessness, which results in repetitive or preventable accidents, which do not involve personal injury.
3. Tardiness is defined as reporting late for work, overextending breaks or meal periods. One offense is equal to three occurrences in any thirty calendar day period, or a continuous pattern, once documented.
4. Employee has hindered the regular operation of the department because of chronic or excessive absenteeism.
5. Wasting time, loitering, or leaving assigned work areas during working hours without permission.
6. Competence, productivity and workmanship do not meet standards of performance, as established by the Department Director.
7. Engaging in horseplay and scuffling as determined by the Department Director.
8. Creating or contributing to unsafe and unsanitary conditions or the failure to keep work area clean.
9. Distributing written or printed matter of any description on City premises unless authorized by Department Director.
10. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
11. Failure to carry out assigned work or instructions by a supervisor.
12. Discourtesy while in the performance of duties.
13. Pervasive negative attitude which affects the delivery of services by other employees.
14. Wearing a City uniform in a manner, which discredits the City, as determined by the Department Director, whether during normal working hours or after hours.
15. Operating a City vehicle without having the required drivers license in your possession.
16. Violation of any departmental rule or administrative policy, which is considered within the Group I level of severity, as determined by the Department Director with City Manager concurrence.

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17. Unauthorized use of City telephones for charging personal long distance or toll calls to the City.

Section 1003. GROUP II OFFENSES. Including, but not limited to: (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

First Offense	-	Written Reprimand
Second Offense	-	Suspension w/o pay and/or demotion
Third Offense	-	Discharge

1. Unauthorized use of City property.
2. Sleeping during working hours.
3. Operating a City owned or other vehicle (or piece of equipment) used in the service of the City in a negligent manner not involving personal injury.
4. Transportation of unauthorized passengers in City vehicles.
5. Failure to report an incident or accident occurring while on duty immediately to a supervisor, regardless of whether property damage or personal injury resulted.
6. Failure to comply with oral or written orders and instruction.
7. Mistakes due to carelessness causing material, parts or equipment to be damaged, scrapped or wasted.
8. Failure to report a request for information or receipt of a subpoena or summons from an attorney, law firm, or court of law in connection with City related business.
9. Engaging at any time in employment or activity, which creates a conflict of interest with the duties, functions and responsibilities of a City employee.
10. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operation.
11. Conduct unbecoming a City Employee, as determined by the City Manager.
12. Violation of any departmental or administrative policy or rule, as determined by the Department Director with City Manager concurrence, which is considered to be within the Group II level of severity.
13. Permitting another person to use your City identification card, or using another person's identification card, or altering a City identification card.
14. Political activity while on City time.

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Section 1004. GROUP III OFFENSES. Including, but not limited to:
(Res. 99.01-1/5/99, Ord 837-7/5/95)

First Offense - Suspension w/o pay and/or demotion
Second Offense - Discharge

1. Provoking or instigating a fight.
2. Malicious mischief, demonstrations on the job, or other acts of disorderly conduct, as interpreted by the Department Director.
3. Driving a motor vehicle while on duty without a valid State of Florida driver's license (operator or CDL), or failure to report the loss or suspension of a driver's license, within one day of the loss or suspension, when an employee is required to drive while on duty.
4. Insubordination by the refusal to perform work assigned, or to comply with written or verbal instructions of supervisory personnel, including the use of abusive language or behavior directed toward a supervisor or a member of management.
5. Revealing confidential information without prior approval from the City Manager.
6. Disclosing or using information not available to the public for personal gain or benefit.
7. Failure to disclose partnership, controlling interest, or employment with a business entity subject to City regulations or that has substantial business commitments with the City. A sworn disclosure statement must be filed within forty-five days after employment with the City or after the acquisition of such position or material interest.
8. The unauthorized use of City equipment or vehicles for personal financial gain.
9. Violation of any Departmental or Administrative policy or rule, as determined by the Department Director with City Manager concurrence, which is considered to be within the Group III level of severity.

Section 1005. GROUP IV OFFENSES. Including, but not limited to:
(Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

First Offense - Disciplinary action up to and including discharge

1. Serious neglect in the performance of assigned duties, as determined by the City Manager.
2. Drinking alcoholic beverages or using illegal drugs while on City property, including City vehicles.

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3. Drinking alcoholic beverages or using illegal drugs while on City time.
4. Deliberately misusing, destroying, damaging, or causing any City property to be damaged, or the property of any employee.
5. Actively participating in a fight at any time while on City property or while acting as a representative for the City.
6. Dishonest, disrespectful, threatening, intimidating behavior or coercing fellow employees, supervisors or the public.
7. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation, unemployment compensation, health insurance payments, or other benefits, or failure to repay overpayment for which not entitled, in a timely manner.
8. The possession or use of illegal controlled substances while on duty, including breaks and/or while on lunch periods. The consumption of alcoholic beverages while on duty, including breaks and/or while on lunch periods.
9. Violation of the City's Drug-Free Workplace Policy.
10. Receipt from any person of a fee, gift, or other item of value in the course of work when such fee, gift, or other item is given or accepted in the hope or expectation of receiving a favor or better treatment than is accorded other persons.
11. Deliberately hitting, shoving, striking or physically abusing another individual at any time.
12. Violation of the City's EEO or Harassment Policy.
13. Instigating, leading or participating in a strike or any concerted activity against the City as defined in Florida Statutes.
14. Failure to obtain and maintain licenses, certifications or other qualifications required for an employee's job, whenever a demotion is not possible or appropriate.
15. Knowingly falsifying the payroll record of an employee, or any unauthorized altering of all payroll related records.
16. Being absent from duty for a period of three consecutive working days without proper authorization.
17. Failure to return from an authorized leave of absence within three working days from scheduled date of return.
18. Failure to return from a Worker's Compensation Lost Time injury, whereupon the Managed Care Physician has rendered the opinion that the employee has

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reached MMI (Maximum Medical Improvement) and is capable of performing some kind of work.

19. Possession or use of firearms, explosives or other weapons on City property.
20. Use or attempted use of political influence or bribery to secure an advantage of any kind.
21. Theft of City property.
22. Failure to report an arrest for a crime.
23. Violation of any Departmental policy or Administrative rule, as defined by the Department Director with City Manager concurrence, which is considered to be within the Group IV level of severity.

ARTICLE XI. SEPARATIONS

Section 1101. RESIGNATION. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Voluntary Resignation: Any employee wishing to leave the City Service in good standing shall file with the Human Resource Office, through the Department Director, a written resignation stating the date on which the employee is leaving and the reasons for leaving. Such resignation must, unless reasonable extenuating circumstances exist, be submitted at least two weeks before the effective date of the resignation. Failure to comply with this procedure shall be cause for denying such employee future employment with the City, as well as forfeiture of all leaves and negating normal compensation for unused sick leave. Only dated and signed resignations will be accepted as such.

Any employee who resigns and is considered for re-employment within six (6) months may begin their employment, with “time in” grade, benefits (excluding insurances and retirement), and seniority, as approved by the City Manager.

Involuntary Resignation. If it becomes necessary for the City to terminate an employment relationship due to repetitive disciplinary actions, failure to abide by safety rules, or other incidents listed in Group Offenses, the employee will forfeit all accumulated sick leave and the employee’s personnel records will reflect ineligibility for re-hire.

Section 1102. DISABILITY. (Res. 07.06 – 2/27/07; Ord 837-7/5/95)

An employee may be separated when a physical or mental impairment prohibits them from performing the essential functions of their position. In all cases, such separations shall be supported by medical evidence acceptable to the City Manager. The City may require examinations at its expense, to be performed by physicians of its choice. Such examinations may include physical and/or mental

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evaluations, as well as the completion of current medical history reports to be reviewed by the City's physician.

Section 1103. DEATH. (Ord 837-7/5/95)

Separation shall be effective as of the date of death, unless already addressed by another applicable section of the Personnel Policies and Procedures. All compensation due to the deceased employee as of the effective date of separation shall be paid to the beneficiary of record, surviving spouse or the estate of the employee, as determined by law.

Section 1104. RETIREMENT. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Separation shall be effective as of the date of retirement. Terms of retirement will be governed by applicable State and Federal laws and current retirement system.

Section 1105. EXIT INTERVIEWS. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

An Exit Interview will be conducted for all full-time employees leaving the City employment for any reason.

The Exit Interview shall be used by the City's management as a tool in gaining an awareness of potential personnel problems. The Human Resource Manager will conduct these Exit Interviews utilizing a form/format approved by the Director of Administrative Services.

Section 1106. RETURN OF CITY PROPERTY. (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

Unless previously returned, upon separation and prior to receiving final compensation, all records, books, assets, uniforms, keys, tools, I.D. card, and City property in the employee's custody, shall be returned to the Department. Receipt of City property shall be documented by the employee's supervisor. Money or City property due to the City shall be collected through deduction from final compensation, or other appropriate action. In the event a terminating employee has payroll direct deposit, the Finance Department may choose to issue a manual check in order to recovery City funds or property.

Section 1107. LAYOFFS. (Ord 837-7/5/95)

The City Manager may layoff any employee whenever such action becomes necessary because of a shortage of work or funds, the abolishing of a position, organizational changes, or as described in the Disability section of the Personnel Policies and Procedures.

In lieu of layoff, an employee may submit a written request to be transferred to any department in which a vacancy exists. Such transfer shall require the approval of the City Manager.

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ARTICLE XII. MISCELLANEOUS POLICIES AND PROVISIONS

Section 1201. **HARASSMENT POLICY.** (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

This section is applicable to all employees of the City.

All City employees have a responsibility for maintaining high standards of honesty, integrity, impartiality and conduct in order to ensure the proper performance of the City's business, and to maintain the confidence of the citizens. It is the policy of this City that any form of harassment in the workplace is unacceptable conduct, which may result in disciplinary action up to and including discharge..

Harassment on the basis of sex, ethnic origin or religious affiliation, is a violation of Title VII of the Civil Rights Act of 1964, as amended, and of the Equal Employment Opportunity Commission (EEOC) guidelines on discrimination.

Harassment shall include such behavior as sexual harassment, unreasonable conduct, discrimination, and/or unwelcome behaviors that create a hostile, intimidating, or offensive work environment. Employee conduct, which violates these standards, will not be tolerated. This policy is equally applicable to harassment between supervisors and workers, between co-workers and/or between employees and non-employees on City property.

Hostile Environment. The safety and security of employees is paramount importance to the City of Madeira Beach. Threats, threatening behavior, or acts of violence against employees by citizens, visitors, or other individuals or acts of violence initiated by employee(s) of the City of Madeira Beach will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

Hostile environment occurs when discrimination, unreasonable conduct and/or unwelcome behavior create an intimidating or offensive work environment. To constitute "hostile environment" the action must be pervasive and repeated. The following examples are not intended to be inclusive:

Discrimination. Discrimination occurs whenever employment decisions are made based upon race, religion, color, national origin, age, sex, marital status, disability or handicap.

Unreasonable Conduct. Unreasonable conduct is treating individuals as if they were inferior. This behavior includes refusing to take someone's comments and concerns seriously and/or verbal abuse, and negatively impact the work performance of the targeted employee.

Unwelcome Behavior. Included in "unwelcome behavior" are: (1) unwanted, or unwelcome verbal and/or behavior that have overtones related to an individual's race, religion, color, national origin, age, sex, handicap, disability,

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marital status, and (2) verbal/behavior that an employee did not solicit or invite and the employees regards as offensive.

Sexual Harassment. Unwelcome sexual advances, request for sexual favors and/or verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made explicitly or implicitly a term, or condition of an individual's employment;

Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual;

Such conduct has the purpose, or effect, of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

For the purpose of this policy statement, an employee shall be defined as any individual, regardless of classification, employed by the City of Madeira Beach, or volunteer working under the supervision of the City.

Prohibited Behavior. Sexual harassment is a prohibited personnel practice when it results in the following (but not limited to incidents): discrimination for, or against, an employee on the basis of conduct not related to performance, such as the taking, or refusal to take, a personnel action, including promotion on the basis of whether or not employees submit to sexual advances or protest sexual overtures.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee, is engaging in sexual harassment. Similarly, a City employee who behaves in this manner toward his/her co-workers in the process of conducting City business is engaging in sexual harassment.

Any employee who participates in deliberate or unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome, and interfere in work productivity, is also engaging in sexual harassment.

Comments, gestures, or physical contact of a sexual nature are entirely inappropriate, unwelcome or not, and individuals who participate in such behavior shall be subject to discipline up to, and including, discharge.

Any employee who is found to be guilty of harassment shall be subject to discipline, up to and including dismissal, under the provisions as defined in these personnel rules and regulations.

In addition, any Department Director or Supervisor who observes, or has reported to them, instances of harassment shall take the following steps:

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1. Report such action to the Human Resource Manager or the City Manager as soon as possible so that corrective measures may be taken.
2. Take immediate action to prevent similar occurrences, and properly document such action taken.

Department Directors and Supervisors failing to obey the above directive shall be subject to discipline up to, and including discharge.

Remedies. Under applicable laws and regulations, the City of Madeira Beach is responsible for the acts of its agents and employees with respect to harassment, regardless of whether the specific acts complained of were authorized, or even forbidden by the City, and regardless of whether the City knew, or should have known, of their occurrence. Any employees who feel they are victims of acts of harassment are responsible for reporting such acts, as follow:

- In the case of acts of alleged harassment by non-employees, the affected individual should immediately contact his or her Supervisor, or Department Director;
- In the case of acts of alleged harassment by and between co-workers, the affected individual should immediately notify his or her Supervisor or, if appropriate under this regulation, the Human Resource Manager or the City Manager;
- In the case of acts of alleged harassment by supervisory personnel, the affected employee should immediately notify the Department Director or, if appropriate under this regulation, the Human Resource Manager or the City Manager.

Any Supervisor, Department Director who becomes aware of alleged harassment anywhere within the agency shall promptly report the facts to the Human Resource Manager, who shall initiate an investigation into the allegations. The results of the investigation will be forwarded to the City Manager for appropriate disciplinary action.

This policy authorizes employees to go beyond their immediate Supervisor in cases where the Supervisor is the one involved in the alleged harassment, or where the Supervisor fails to take appropriate action.

All City employees have an obligation to take appropriate actions to prevent harassment from becoming an issue in the work environment. On an annual basis, management and supervisory employees will be given appropriate training. In addition, this policy shall be circulated and posted along with EEOC guidelines relative to the subject.

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Section 1202. FLORIDA CLEAN INDOOR AIR ACT (FS 386.201 through 386.211). (Res. 07.06 – 2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

The purpose of the Florida Clean Indoor Air Act is to protect the public and the environment by creating areas in public places and at public meetings, which are reasonably free from tobacco smoke. No person may smoke in any City of Madeira Beach building, facility or vehicle. All offices workplaces and common areas are accessible to other employees and the general public at large and therefore are not eligible to be designated as a smoking area.

Any employee who smokes in a City building, facility or vehicle will be guilty of a Group I Offense and will be subject to disciplinary action.

Section 1203. CODE OF ETHICS. (Res. 07.06 – 2/27/07; 00.10-10/17/00, 99.01-1/5/99, Ord 837-7/5/95)

Public Officials (Elected officials, City Board members) or employees, their spouses and minor children are prohibited from soliciting or accepting any compensation, payment or thing of value such as a gift, loan, reward for promise of future employment favor or service from any person or corporation when they know or with an exercise of reasonable care should know, it is given to influence their official action or judgment.

Public Officials or employees are prohibited from using or attempting to use their official position to obtain a special privilege for themselves or others.

Public officials or employees shall not directly or indirectly accept any gift, favor, or service in their official capacity from any person or corporation, including Christmas gifts, exceeding a value of \$100.

Employees acting as a purchasing agent are prohibited from purchasing, renting, leasing any realty, goods or services from any agency in which the employee, spouse, or child has any ownership or financial interest or who would financially benefit from the transaction, without the expressed, written consent of the City Manager.

Any public official or employee who violates this rule shall be considered guilty of misconduct and shall be subject to review and appropriate disciplinary action.

Section 1204. ARRESTS. (Res. 99.01-1/5/99, Ord 837-7/5/95)

Employee's, who are arrested for any felony or misdemeanor, shall report such incident on the next scheduled workday to the Department Director. Failure to do so may result in disciplinary action, as described herein.

Section 1205. ATTENDANCE. (Ord 837-7/5/95)

Employees shall be in attendance at work by their established starting time in accordance with these rules and general departmental regulations. Employees shall notify their designated Department Director and request authorization for leave whenever they cannot report to work on time or fulfill their work

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assignment. Employees who fail to report their absence in accordance with authorized leave are subject to disciplinary action.

Unauthorized absences from work for a period of three (3) consecutive work days may be considered as the employee's voluntary resignation by the City Manager, as described in Section 1101.

Section 1206. BORROWING CITY EQUIPMENT. (Res. 07.06 – 2/27/07; 00.10-10/17/00, Ord 837-7/5/95)

The use of any City equipment for City property for personal use shall be prohibited.

Section 1207. APPEARANCE AND PERSONAL HYGIENE. (Res 07.06-2/27/07; Ord 837-7/5/95)

Public employees must be aware of the importance of appearance and good personal hygiene where the public and co-workers are concerned. While no attempt is made to set specific standards, the important factor is the overall impression created.

What is appropriate for employees in one function may not be appropriate for another. Work clothes and uniforms provided for many functions generally set the standard for the position. Determination of an employee's specific dress, appearance and personal hygiene is a proper supervisory function and will be treated as such.

Section 1208. OUTSIDE EMPLOYMENT. (Res. 00.10-10/17/00, Ord 837-7/5/95)

Employees who wish to seek employment outside the City service may do so under the following conditions:

1. An employee who wishes to engage in outside employment shall make arrangements to be relieved from their outside employment duties if and when called for duty by the City.
2. All injuries sustained while engaged in outside employment must be reported to the employee's Department Director prior to his/her next scheduled working day. An employee may not use City Worker's Compensation benefits or accrued sick leave for sickness or injury sustained while engaged in outside employment.
3. Outside employment may not, in any way, interfere with City employment.
4. Employees who expect to engage in any outside employment shall receive written authorization from the City Manager prior to accepting such employment. Employees who fail to notify their Department Director may be subject to disciplinary action.

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5. Employees who fail to notify their Department Director may be subject to disciplinary action as determined by the Department Director and City Manager.
6. Outside employment requests shall include the location, nature and extent of such employment. Any change in this information shall be reported to the Department Director where a new determination will be made as to whether the position is acceptable.
7. Employees holding a full-time position shall not hold any other position in governmental or private employment or as an independent contractor when such other position may have the effect of reducing the efficiency of such employee in the City's service. In determining whether outside employment is inconsistent, incompatible or in conflict with an employee's duties or responsibilities with the City, the City Manager shall take into account the following factors:
 - Impairment of efficiency as a City employee;
 - Fatigue with respect to accident proneness;

Failure to abide by any of the aforementioned conditions may result in the City Manager requesting the employee's resignation from City employment, a modification in the conditions of the outside employment, or resignation from the outside employment. If the original request is disapproved, the employee will be disciplined in accordance with this paragraph if they are found to have accepted outside employment.

Any employee who wishes to appeal a decision made under this article may file a grievance, using the procedure as defined herein.

Section 1209. PARTICIPATION IN EMPLOYEE ORGANIZATIONS. (Ord 837-7/5/95)

City employees have the right to form, join, and participate in, or to refrain from forming, joining or participating in any employee organization of their own choosing.

City employees shall have the right to be represented by an employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their public employer in the determination of the terms and conditions of their employment, and to be represented in the determination of grievances arising from that employment.

Nothing in this section shall be construed as encouraging or discouraging organization of City employees.

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Section 1210. REIMBURSEMENT FOR TRAVEL EXPENSES. (Res. 07.06-2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

When an employee travels on City business, he/she is entitled to receive reimbursement for:

- Expenses pursuant to Florida Statutes 112.061: Per Diem and travel expenses of public officers, employees, and authorized persons.
- Actual expenses, identified with receipts, incurred for meals (excluding alcohol), lodging, registration, tolls, other forms of transportation, and any other expense approved by the Department Director and the City Manager.

In order to receive reimbursement, a Travel Expense Report must be filled out by the employee and submitted to the Finance Department for processing. Failure to submit receipts, as proof of expenditure will eliminate those expenses submitted as being reimbursable. Forms are available in the Finance Department.

Section 1211. DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE PREVENTION PROGRAM (Res. 99.01-1/5/99, Ord 837-7/5/95)

The City of Madeira Beach believes the safety and health of its employees and the public is of utmost importance. In a commitment to provide a safe working environment for all employees and safeguard the health of our employees and the public, the City will establish and maintain a Drug-Free Workplace Policy pursuant to the Drug-Free Workplace Program requirements under Florida Statutes (FS) 440.102, and Florida Administrative Code Rules 38F-9.

Section 1212. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM. (Res. 07.07-2/27/07; 99.01-1/5/99, Ord 837-7/5/95)

- A. Purpose. The government of the City of Madeira Beach exists to serve equally all people without regard to race, color, sex, national origin, sexual orientation, age, handicap, marital status, family status or religion. The purpose of this Section is to express formally the policy of the City. The City has established and will maintain an Equal Employment Opportunity/Affirmative Action Plan to provide Equal Employment Opportunities to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof.
- B. Policy. The City will not discriminate against any employee or applicant for employment because of race, color, sex, national origin, age, handicap, marital status, family status or religion.

The City will take Affirmative Action to ensure all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or

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recruitment advertising, selection layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training.

The City prohibits the harassment of any employee or job applicant on the basis of their protected class status.

The City will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

The City will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of the City or subcontractors to the City who do not comply with the Equal Employment Opportunity Policies and Procedures set forth in this Statement and plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and local-governing bodies or agencies thereof, will be subject to appropriate legal sanctions.

The Human Resource Manager will serve as the EEO Coordinator to manage the Equal Employment Opportunity Program. The responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. If any employee or applicant for employment believes he/she has been discriminated against, an appeal may be made to the designated EEO Coordinator pursuant to the Internal EEO complaint Procedures. Notice of this policy and the designation of the EEO Coordinator will be posted on the City Hall break-room bulletin board, and in a prominent place within each department.

C. Discrimination Complaints. Internal Complaint procedures have been established and will be maintained under the City's Equal Employment Opportunity/Affirmative Action Plan. An applicant or employee who feels they have been discriminated against may file a written complaint with the designated EEO Coordinator. If complaint concerns the EEO Coordinator, submit a written complaint to the City Manager in accordance with the procedures. Alleged discrimination complaints must be filed within the appropriate guidelines for Equal Employment (EEO) or the Florida Commission on Human Relations (FCHR). Written complaint shall address:

- The complainant's name, address and phone number;
- The name of the employee(s) alleged to have committed the violation;
- The basis for the complaint (i.e., race, color, sex, age, religion, national origin, handicap or any other reason prohibited by law);

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- Date(s), location and circumstances surrounding the alleged act of discrimination, including names and addresses of any witness.
- Signature of the complainant.

Section 1213. DONATION OF SICK OR ANNUAL LEAVE. (Res 07.06 – 2/27/07; 99.23 - 10/19/99)

- A. Policy. The City of Madeira Beach recognizes an employee, subjected to a long-term, non-work related catastrophic illness or injury, may deplete all of his or her accrued sick and annual leave allowance, leaving the employee without any form of continued compensation.

The City of Madeira Beach also recognizes that some City employees may wish to contribute a portion of their accrued, unused sick or annual leave to the affected employee suffering from a catastrophic illness.

- * *“Catastrophic illness or injury”* is defined as being one which is unanticipated, non-job-related, not self-inflicted, and life threatening. Catastrophic illness or injury does not include short-term ailments such as flu, colds, virus, or doctor or dentist appointments. Elective surgery and maternal leave are also not included.

- B. Eligibility. All full-time employees who have completed at least one year of service with the City of Madeira Beach.
- C. Procedure. The affected employee must have exhausted their own sick and annual leave before filing the necessary forms for benefits with the Human Resource Manager.

The Human Resource Manager may request additional medical information during the benefit period. All donation requests must be approved by the City Manager, who shall have final authority in considering, approving or disapproving a request for donations.

Maximum donation period will be 90 calendar days at which time long-term disability will take effect. While receiving donated leave, the receiving employee shall not accrue sick or vacation leave. A paid holiday occurring during an approved benefit period will be paid as a sick day. In the event an employee does not utilize all donated leave, the remaining hours shall be pro-rated and returned to donating employees.

Donated leave shall be deemed used (spent) leave, removed from the donating employee's accrued leave account and is not refundable, unless as provided for in this section. Minimum donation is eight (8) hours. Maximum donation is twenty-four (24) hours. Donations are not converted based upon hourly wages, rather transferred “hour for hour”.

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Section 1214. THE PINELLAS COUNTY SCHOOL PARTNERSHIP. (Res. 07.06 – 2/27/07; 99.23 - 10/19/99)

- A. Policy. The City of Madeira Beach, Florida desires to support our local elementary and middle school by means of encouraging staff to volunteer time as a Mentor or Tutor to children in need as determined by the participating school. Each volunteering staff member must be willing to make a commitment of one-half hour per week or one hour every two weeks to the program approved time with pay up to a maximum of two (2) hours per month.
- B. Procedure. Each employee who is interested in participating in this program must receive approval from their respective supervisor/department head. All requests are subject to final approval from the City Manager.

The employee selects whether to participate as a MENTOR or TUTOR at either Madeira Beach Elementary or Madeira Beach Middle School.

Mentors work with discouraged students. The major task is to motivate the student to stay in school. Through tutoring, setting short-term goals and serving as a role model, volunteers can provide encouragement and friendship to a student who needs to build self-esteem. New school mentors are required to attend a Pinellas County Schools mentor workshop.

A tutor may work one-on-one with a student or with small group of students who need remedial help in academic subjects to reinforce basic skills. Placements are made with students from kindergarten through middle school.

At no time will the Partnership Program take priority over the City's needs and responsibilities.

Section 1215. E-MAIL. (Res. 07.06 – 2/27/07; 00.10-10/17/00)

The E-mail system is to be used for business purposes to facilitate intra and inter-City transmittal of business related information.

Individuals shall not use discriminatory or otherwise offensive comments, vulgarities, obscenities, jokes, sarcasm or exaggeration in their e-mail messages. The use of such language is a ground for disciplinary action up to and including termination. Nor shall the e-mail system be used to solicit commercial ventures, religious or political causes, outside organizations or other personal matters unrelated to the job.

E-Mail messages should be transmitted only to those individuals who have a business need to receive them. Distribution lists should be constructed and used carefully. Employees should not attempt to gain access to another employee's personal file of e-mail messages without the latter's express permission.

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Management, however, reserves the right to enter an employee's e-mail files at any time.

All employees waive any right to privacy in e-mail messages and consent to the access and disclosure of e-mail messages by authorized City employees. The City reserves the right to access and disclose the contents of any and all e-mail messages. All e-mail pass codes or passwords must be made known to the City and the right to access them at any time is retained by the City.

Section 1216. VIOLENCE IN THE WORKPLACE

The City of Madeira Beach clearly denounces and will not tolerate violence or any form of physical harassment and endangerment. No employee or visitor (with exception of sworn law enforcement officers) shall bring any weapon into any City facility, including but not limited to City Hall, Recreation, Marina, Public Works, out of doors work areas, etc.. The City of Madeira Beach exercises an Early Intervention and Low Tolerance philosophy towards threats and weapons of any kind. Employees shall report any threats of violence they anticipate, observe or experience.

DEFINITIONS:

Aggression. A forceful act or pattern of actions usually intended to intimidate, dominate or master another individual or situation. The intent to hurt or gain advantage over another without resorting to physical injury. Also included are hostile actions and behaviors.

Assault. A violent attack, either physical or verbal.

Harassment. The act of creating a hostile work environment through unwelcome words, actions or physical contacts, but not resulting in physical harm. Persistent and inappropriate attention and annoyance which may inflict worry or other mental tribulation.

Physical Attack. Aggression resulting in a physical battery with or without the use of a weapon of any type. Setting upon someone or something with violent force.

Threat. Any words or actions involving or implying the intent to inflict harm or injury on oneself or any other person or damage to any property. An indication of impending danger, harm or menace.

Weapon. For purposes of this policy, any device intended for use in an offensive manner is considered a weapon. For example, a pistol, knife, rifle, black jack, brass knuckles, etc.. Pepper spray or any type of defensive gas, MACE, or noisemaker is not considered a weapon.

Workplace Violence. Any physical assault, threatening behavior or verbal abuse occurring in any work setting. It includes, but is not limited to beatings,

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stabbing, suicides, shootings, rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence and harassment of any nature such as being followed, sworn or shouted at.

Violent Acts in the Workplace. There are many acts that can be considered violent or predictive of violence. These include, but are not limited to:

- Prejudice or harassment
- Threats of violence (bomb, hostage, etc.)
- Acts of sabotage
- Destruction of property
- Violent confrontations
- Armed robberies
- Stalking
- Unauthorized carrying of a concealed weapon
- Work-related assaults or battery
- Random violence and unprecipitated attacks, i.e. shooting sprees, etc.

Typical Environment. The City of Madeira Beach works diligently to provide safe, pleasant and professional working environments. However, perceptions of certain activities and situations may lead to violence on the part of a limited. Some of these situations may involve:

- Motivation by intimidation or coercion
- Polarization between employees and management
- Chronic communication problems
- Inconsistency in policy and decision-making
- Discouragement of creativity and new ideas
- Continuous time pressures
- Frequent Overtime
- Reactive vs. proactive planning and decision-making

Even the perception of these types of activities and situations may lead to violence. This may be acted out in two ways: **verbal** (i.e. profanity, psychological threat) and/or **physical** (i.e. assault or physical attack).

As a public service organization, the City is subjected to continual exposure to the public and frequently must communicate with and serve hostile individuals. Therefore, it is paramount that we ensure both internal and external consistency in terms of proactive safety and anti-violence measures. Due to the enforcement nature of many of the City's activities, certain departments and employees may be more likely than others to be exposed to or observe violent, threatening behaviors and actions.

WHAT, WHEN & HOW TO REPORT: If any employee or person associated with the City of Madeira Beach feels a genuine threat has been made against them (or their family), it should immediately be made known to their supervisor or the

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Human Resources Manager. Serious accusations and threats shall be treated with appropriate attention and confidentiality.

Passed by Resolution 08.14 on October 28, 2008